MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013

-1-

THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 9, 2013, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER AND CONDUCTED BY MAYOR WINDER.

THE FOLLOWING MEMBERS WERE PRESENT:

Mike Winder Steve Buhler Don Christensen Tom Huynh Corey Rushton Steve Vincent

Wayne Pyle, City Manager Sheri McKendrick, City Recorder

ABSENT: Karen Lang

STAFF PRESENT:

Nicole Cottle, Assistant City Manager/CED Director Eric Bunderson, City Attorney Jim Welch, Finance Director Layne Morris, CPD Director Kevin Astill, Parks and Recreation Director John Evans, Fire Chief Russell Willardson, Public Works Director Anita Schwemmer, Acting Police Chief Jake Arslanian, Public Works Department Steve Lehman, CED Department Larry Marx, Police Department

16225 **OPENING CEREMONY**

The Opening Ceremony was conducted by Steve Buhler who played a patriotic music video in recognition of July 4th, Independence Day.

16226 SPECIAL RECOGNITIONS

Mayor Winder recognized and welcomed Phil Conder, a candidate for the At-Large seat on the City Council.

16227 APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 25, 2013

The Council read and considered Minutes of the Regular Meeting held June 25, 2013. There were no changes, corrections or deletions.

After discussion, Councilmember Christensen moved to approve the Minutes of the Regular Meeting held June 25, 2013, as written. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16228 **COMMENT PERIOD**

A. CITY COUNCIL COMMENTS

Mayor Winder encouraged attendance of a production of *Footloose* at the Utah Cultural Celebration Center (UCCC) sponsored by the Arts Council.

16229 **PUBLIC ACCEPT PUBLIC INPUT** HEARING, REGARDING APPLICATION NO. S-14-2013, FILED BY PAT HARRIS, REQUESTING FINAL PLAT APPROVAL FOR C.R. ENGLAND SUBDIVISION AND THE AMENDMENT OF LOTS 1, 2 AND 3 OF THE HONEYWELL **ELECTRONIC MATERIALS AMENDED AND** RESTATED **SUBDIVISION ALONG** WITH **CERTAIN PUBLIC UTILITY** EASEMENTS LOCATED AT APPROXIMATELY 4701 WEST 2100 **SOUTH**

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-14-2013, filed by Pat Harris requesting final plat approval for C.R. England Subdivision and the amendment of Lots 1, 2 and 3 of the Honeywell Electronic Materials Amended and Restated Subdivision along with certain public utility easements located at approximately 4701 West 2100 South. He discussed proposed Ordinance No. 13-29 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013

-3-

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-29 which would approve the Amendment of the Amended and Restated Honeywell Electronic Materials Inc. Subdivision.

Mr. Pyle stated the proposed new subdivision would be known as the C.R. England Subdivision with the purpose of creating a newly configured lot (Lot 1) in order to construct a new office building. He indicated to help accomplish that objective, the proposed subdivision would amend Lots 1 and 2 and 3 of the Honeywell Electronic Materials Amended and Restated Subdivision along with certain public utility easements recorded in June of 2008.

He explained the proposed subdivision was located in the manufacturing zone adjacent to 2100 South where C.R. England desired to construct a new office building as part of an expansion to the existing campus. The new building would be constructed over the existing west property line of the Honeywell Subdivision and to eliminate that problem it had been proposed to amend the plat.

The City Manager reported access to the subdivision would be gained from 2100 South and from a new access road proposed through Lots 3 and 4. The private road would cross Lots 3 and 4 and provide access to Lot 2. He indicated appropriate language for this access would be placed on the plat to ensure perpetual access for Lot 2.

Mr. Pyle reported the future building to be located on Lot 1 would be a conditional use and be reviewed by the Planning Commission. He stated the subdivision plat would illustrate easements and access information applicable to the division of this property.

Mayor Winder opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Winder closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 13-29 APPROVING THE AMENDMENT OF THE AMENDED AND RESTATED HONEYWELL ELECTRONIC MATERIALS INC. SUBDIVISION

The City Council previously held a public hearing regarding Application No. S-14-2013, filed by Pat Harris, and proposed Ordinance No. 13-29 which would approve the Amendment of the Amended and Restated Honeywell Electronic Materials Inc. Subdivision located at approximately 4701 West 2100 South.

After discussion, Councilmember Vincent moved to approve Ordinance No. 13-29, an Ordinance Approving the Amendment of the Amended and Restated Honeywell Electronic Materials Inc. Subdivision Located at Approximately 4701 West 2100 South. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16230 REGARDING **PUBLIC** HEARING, **ACCEPT PUBLIC INPUT** APPLICATION NO. S-15-2013, **FILED** BY **CORY** ANGELL, REOUESTING FINAL PLAT APPROVAL FOR MOULTON FARMS SUBDIVISION - LOT 3 AMENDED, LOCATED AT 4448 SOUTH 3600 WEST

City Manager, Wayne Pyle, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. S-15-2013, filed by Cory Angell, requesting final plat approval for Moulton Farms Subdivision – Lot 3 Amended, located at 4448 South 3600 West. He discussed proposed Ordinance No. 13-30 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 13-30 which would approve the Amendment to Lot 3 of the Moulton Farms Subdivision located at 4448 South 3600 West.

Mr. Pyle stated the applicant had requested to subdivide Lot 3 so the existing duplex could be converted into a townhome unit. He advised the Moulton Farms Subdivision had been recorded in December of 2012, and consisted of 3 lots.

The City Manager explained that during the original subdivision process, the applicant proposed a development plan to create three independent lots for each residential building allowing each building to reside on its own property. He advised there were two duplex units and one single-family dwelling, and to date one of the duplex units had been converted into a single-family dwelling, while working toward conversion of the second duplex into a townhome. He stated the proposal was viewed as positive because all of the residential units would have the ability of being owner occupied whereas prior to the original subdivision four of the residential units were being rented.

He reported the City's zoning ordinances allowed an existing two family dwelling to be converted into attached single-family dwellings provided they complied with all building and fire codes and other City ordinances related to an 'R-1-8'

zone. He also reported the applicant was working with the Building Inspections Division regarding all necessary permits for each of the three dwellings in the subdivision.

The City Manager stated as part of the lot division requirements, the applicant would be required to apply various home improvements related to the existing duplex. Some of those improvements were things such as new windows, rain gutters, landscaping, carports and/or garages, and others. He advised that during the rezoning and subdivision processes the applicant informed these modifications would take place and most likely exceed the improvement requirements listed in the ordinances.

Mayor Winder opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Winder closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 13-30, APPROVING THE AMENDMENT TO LOT 3 OF THE MOULTON FARMS SUBDIVISION

The City Council previously held a public hearing regarding Application No. S-15-2013 and proposed Ordinance No. 13-30 which would approve the Amendment to Lot 3 of the Moulton Farms Subdivision located at 4448 South 3600 West.

After discussion, Councilmember Rushton moved to approve Ordinance No. 13-30, an Ordinance Approving the Amendment to Lot 3 of the Moulton Farms Subdivision Located at 4448 South 3600 West. Councilmember Buhler seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16231 RESOLUTION NO. 13-96, AWARD A CONTRACT TO ACME CONSTRUCTION FOR THE SR-201 FRONTAGE ROAD AND 7200 WEST WIDENING PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-96 which would award a contract to Acme Construction, in the amount of \$815,999.05 with

authorization to spend an amount not to exceed \$856,800.00 through change orders, for the SR-201 Frontage Road and 7200 West Widening Project.

Mr. Pyle stated bids had been solicited and five bids received as follows:

Acme Construction:	\$815,999.05
Jordan Valley:	\$854,312.40
Kilgore:	\$931,703.02
Lyndon Jones:	\$1,022,687.35
Geneva Rock:	\$1,114,157.47

The City Manager reported Acme Construction had submitted the lowest responsible bid.

He also reported the project included roadway widening along 7200 West and the SR-201 South Frontage Road from approximately 6400 West to 7200 West. He stated the road would be widened on both sides of the frontage road and provides one lane in each direction, with a two-way center turn lane. He indicated the project would include an asphalt overlay along the frontage road, storm drain improvements, and other items normally encountered in road work.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-96, a Resolution Awarding a Contract to Acme Construction for the SR-201 Frontage Road and 7200 West Widening Project. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16232 RESOLUTION NO. 13-97, AWARD A CONTRACT TO KILGORE CONTRACTING FOR THE 2013 ASPHALT OVERLAY PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-97 which would award a contract to Kilgore Contracting, in the amount of \$1,229,730.64 with authorization to spend an amount not to exceed \$1,291,217.10 through change orders, for the 2013 Asphalt Overlay Project.

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013 -7-

Mr. Pyle stated bids had been solicited and four bids received as follows:

 Kilgore Contracting:
 \$1,229,730.64

 Staker & Parsons:
 \$1,273,700.00

 Granite Construction:
 \$1,290,292.44

 Geneva Rock:
 \$1,373,969.36

He reported Kilgore Contracting had submitted the lowest responsible bid.

The City Manager also reported the project included rotomilling and overlay of various streets and other related work. He advised also included was placement of a high density mineral bond seal on selected streets, and included reconstruction and stabilization of selected streets and other associated work. He discussed the following locations of the work proposed under the contract:

City streets:

Parkway Boulevard

3200 West

West Point Drive

LeMaur Street

Westlake Village Subdivision

Woodledge Subdivision

Ted Way – Holder Way

Westview Subdivision

Carrie Drive – 3965 South

Maple Meadows Subdivision

High Density Mineral Bond Seal:

Lehi Drive

Westlake Drive

Flats Circle

Designer Court

3800 South

3780 South

After discussion, Councilmember Huynh moved to approve Resolution No. 13-97, a Resolution Awarding a Contract to Kilgore Contracting for the 2013 Asphalt Overlay Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent Yes
Mr. Buhler Yes
Mr. Huynh Yes

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013

-8-

Mr. Rushton Yes
Mr. Christensen Yes
Mayor Winder Yes

Unanimous.

16233 RESOLUTION NO. 13-98, APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH KILGORE CONTRACTING FOR THE WESTRIDGE BOULEVARD CUL-DE-SAC PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-98 which would approve Change Order No. 1 to the contract with Kilgore Contracting, in the amount of \$7,500.75, for the Westridge Boulevard Cul-de-sac Project. He advised the original contract was in the total amount of \$82,993.55.

Mr. Pyle stated the proposed change order would cover various items of additional work. He indicated that after the bid had been awarded the decision was made to overlay the existing parking lot with a one-inch asphalt overlay that would be in place of patching large areas of deteriorating asphalt and slurry sealing the entire parking lot. He explained the overlay would cost a little more than the treatments included in the original bid but would provide better long term value to the parking lot. He reported the change order also covered other minor items of work changed during construction.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-98, a Resolution Authorizing Change Order No. 1 to the Contract with Kilgore Contracting for the Westridge Boulevard Cul-de-Sac Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16234 RESOLUTION NO. 13-99, APPROVE THE PURCHASE OF A 2013 JOHN DEERE 624K LOADER FROM HONNEN EQUIPMENT FOR USE BY THE PUBLIC WORKS DEPARTMENT

City Manager, Wayne Pyle, presented proposed Resolution No. 13-99 which would approve the purchase of a 2013 John Deere 624K Loader from Honnen

Equipment, in an amount not to exceed \$142,101.85, with trade-in value of \$140,800.00, making a net expenditure of \$1,301.85, for use by the Public Works Department.

Mr. Pyle stated Honnen Equipment held the State contract for the subject equipment, which included a one year trade-in option. He further stated the proposal would authorize purchase of a 2013 John Deere 624K Front End Loader with the trade-in of the 2012 loader purchased last year. He reported the trade-in allowance of the 2012 Loader would be in the amount of \$140,800.00, with the price of the new 2013 Loader at \$142,101.85, making a net cost to the City of \$1,301.85. He indicated the cost would be far less than the cost of leasing a loader or amortizing the full purchase price. He advised maintenance costs would also be reduced because of the new equipment, and the Operations Division would have a brand new loader every 12 months at little cost to the City.

He reported the Fleet Manager had met with the Operations Division and determined this equipment would best suit the needs of the department and be the most efficient equipment for their intended purposes.

After discussion, Councilmember Buhler moved to approve Resolution No. 13-99, a Resolution Approving the Purchase of a 2013 John Deere 624K Loader from Honnen Equipment for use by the Public Works Department. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16235 RESOLUTION NO. 13-100, AUTHORIZE EXECUTION OF AN AGREEMENT WITH KEDDINGTON & CHRISTENSEN, CERTIFIED PUBLIC ACCOUNTANTS, LLC, TO PROVIDE AUDITING SERVICES TO WEST VALLEY CITY

City Manager, Wayne Pyle, presented proposed Resolution No. 13-100 which would authorize execution of an agreement with Keddington & Christensen, Certified Public Accountants, LLC, in the amount of \$76,384.00, to provide auditing services to West Valley City.

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013 -10-

Mr. Pyle stated West Valley City was required by law to engage an independent audit firm to audit the City's financial operations and Keddington & Christensen had demonstrated experience and proficiency in municipal audits and knowledge of City operations. He explained the audit would be conducted in accordance with auditing standards generally accepted in the United States of America – the standards for financial audits contained in the Government Auditing Standards issued by the Comptroller General of the United States.

He further advised Keddington & Christensen, Certified Public Accountants, LLC, provided auditing services for West Valley City in the past and had the technical expertise to evaluate and review all aspects of the City's complex operations.

After discussion, Councilmember Rushton moved to approve Resolution No. 13-100, a Resolution Authorizing the Execution of an Agreement between West Valley City and Keddington & Christensen, Certified Public Accountants to Provide Auditing Services to West Valley City. Councilmember Christensen seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16236 RESOLUTION NO. 13-101, APPROVE AMENDMENT TO THE AGREEMENT WITH GREG CURTIS, DBA CURTIS CONSULTING, FOR PROFESSIONAL SERVICES AT THE UTAH STATE LEGISLATURE

City Manager, Wayne Pyle, presented proposed Resolution No. 13-101 which would approve an Amendment to the Agreement with Greg Curtis, dba Curtis Consulting, in the amount of \$15,000.00 for 2013 and \$40,000.00 for 2014, for professional services at the Utah State Legislature.

Mr. Pyle stated due to two clerical errors in the previously approved agreement, it was necessary to correct the amount of compensation for services. He noted the proposed amendment would correct the compensation amount for services provided during the 2013 and 2014 legislative sessions.

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013 -11-

He indicated the City Council recognized the need for professional lobbying services in its approval of the subject agreement. He advised due to clerical errors that occurred in the transfer of the agreement the incorrect agreement had inadvertently been presented to the City Council. He reported the correct agreement, upon which all of the parties relied, had not been sent to the City Recorder for execution. He explained the difference between the compensation approved by the City Council for 2013 was \$15,000.00 (the Council approved \$25,000 for 2013 and the number should have been \$40,000), and \$40,000 for 2014 (the Council approved \$25,000 and the number should have been \$65,000). He advised the proposed Amendment to the Agreement would correct both amounts of compensation to reflect what both parties agreed to based on the scope of work.

After discussion, Councilmember Christensen moved to approve Resolution No. 13-101, a Resolution Approving an Amendment to the Agreement with Greg Curtis, dba Curtis Consulting, for Professional Services at the Utah State Legislature. Councilmember Huynh seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16237 RESOLUTION NO. 13-105, APPROVE THE PURCHASE OF ADDITIONAL HVAC EQUIPMENT AND REPAIR SERVICES FROM AMERICAN MECHANICAL SYSTEMS SERVICE (AMSS) FOR THE FAMILY FITNESS CENTER BUILDING

City Manager, Wayne Pyle, presented proposed Resolution No. 13-105 which would approve the purchase of additional HVAC equipment and repair services from American Mechanical Systems Service (AMSS), in amount of \$20,000.00, for a total contracted price of \$68,991.00, for the Family Fitness Center Building.

Mr. Pyle stated that on June 18, 2013, the City Council approved Resolution No. 13-82 authorizing purchase of equipment and services from AMSS to repair three HVAC units at the Family Fitness Center building. He further stated since then more air conditioning compressors had failed in the record-breaking high temperatures, and must be rebuilt. He reported Fitness Center patrons needed to have the appropriate controlled environment especially due to the hot weather and

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013 -12-

of particular importance for seniors and children who relied on Parks and Recreation programs. He indicated the proposed increased amount would provide for the additional work under the contract.

After discussion, Councilmember Huynh moved to approve Resolution No. 13-105, a Resolution Approving the Purchase of Additional HVAC Equipment and Repair Services from American Mechanical Systems Service for the Family Fitness Center Building. Councilmember Rushton seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

16238 **CONSENT AGENDA:**

A. RESOLUTION NO. 13-102, ACCEPT A PUBLIC SIDEWALK LIGHT AND UTILITY EASEMENT FROM SUMMER VILLAGE COMMERCIAL, INC. FOR PROPERTY LOCATED AT 1920 WEST 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-102 which would accept a Public Sidewalk Light and Utility Easement from Summer Village Commercial, Inc., for property located at 1920 West 3500 South.

Mr. Pyle stated the proposed easement was for the proposed International Market Center project and subject to requirements of the 2500 South Streetscape calling for wider sidewalks and landscape frontage along with decorative street lighting on 3500 South. He explained as portions of the proposed sidewalk and lighting fell outside of the public right-of-way, a Public Sidewalk, Lighting and Utility Easement would be required as a condition of approval for the project.

B. RESOLUTION NO. 13-103, ACCEPT A WARRANTY DEED FROM SUMMER VILLAGE COMMERCIAL, INC., FOR PROPERTY LOCATED AT 1920 WEST 3500 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-103 which would accept a Warranty Deed from Summer Village Commercial, Inc. for property located at 1920 West 3500 South.

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013 -13-

Mr. Pyle stated Summer Village Commercial, Inc. had executed a Warranty Deed for additional right-of-way on 3500 South. He explained Summer Village Commercial, Inc. was the owner of the proposed International Market Center project west of the existing Saigon Plaza. He reported as a condition of approval for a building permit, additional right-of-way on 3500 South had been required to be deeded to the City.

C. RESOLUTION NO. 13-104, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM YOUNG FAMILY RACING PROPERTIES, INC., FOR PROPERTY LOCATED AT APPROXIMATELY 6555 WEST 2100 SOUTH

City Manager, Wayne Pyle, presented proposed Resolution No. 13-104 which would accept a Grant of Temporary Construction Easement from Young Family Racing Properties, Inc., for property located at approximately 6555 West 2100 South.

Mr. Pyle stated the proposed easement would allow for construction of a portion of the SR-201 Frontage Road Widening Project. He advised the parcel was located at 6555 West 2100 South and the site of the Rocky Mountain Raceways and one of the properties affected by construction of the SR-201 Frontage Road Widening Project extending from 6400 West to 7200 West. He indicated the easement would allow for construction of improvements within the existing frontage road right-of-way along a portion of the Rocky Mountain Raceways' (Young Family Racing Properties, Ltd.) property.

After discussion, Councilmember Rushton moved to approve Resolution Nos. 13-102, 13-103, and 13-104, as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Buhler	Yes
Mr. Huynh	Yes
Mr. Rushton	Yes
Mr. Christensen	Yes
Mayor Winder	Yes

Unanimous.

MINUTES OF COUNCIL REGULAR MEETING – JULY 9, 2013 -14-

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE
REGULAR MEETING OF TUESDAY, JULY 9, 2013, WAS ADJOURNED AT 6:48 P.M., BY
MAYOR WINDER.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, July 9, 2013.

Sheri McKendrick, MMC City Recorder